FBI Had Files On Congress, Ex-Aides Say

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The Federal Bureau of Investigation, during J. Edgar Hoover's reign, compiled files containing information on the personal lives of senators and congressmen, two former high-ranking FBI officials have told The Washington Post.

Cartha D. DeLoach, assistant to Hoover until 1970 and Louis B. Nichols, who held the same position until 1957, said the files contained data on the girl friends and drinking problems of members of Congress as well as other personal information characterized by DeLoach as "junk."

Both men said the information, which was kept in the FBI's general files, was not gathered for purposes of political blackmail and did not result from direct surveillances of members of Congress unless they were targets of criminal investigations.

Rather, they said, the information was placed in congressmen's files after persons interviewed by the FBI on unrelated matters had volunteered it.

They said they knew of no instance when the information was leaked to the press.

Although the two long time FBI officials had no first-hand information of current FBI practices, a senior agent who asked that his name not be used said the bureau continues to collect such information.

"If I find a congressman has a girl stashed (in some city), I'd report it to the SAC (special agent in charge)," he said.

DeLoach and Nichols said they could not estimate how many FBI files on members of Congress contained such information, since they had not seen them all.

But another source said he had seen information of a personal nature gathered by the FBI on Sens. Mike Mansfield (D-Mont.), Lowell P. Weicker Jr. (R-Conn.), Abraham A. Ribicoff (D-Conn.), George McGovern (D-S.D.), Edward M. Kennedy (D-Mass.), Adlai E. Stevenson III (D-Ill.), and Reps, Carl Albert (D-Okla.), Wilbur D. Mills (D-Ark.), and the late Hale Boggs (D-La.).

The sources said that in one instance, Hoover had ordered derogatory information gathered on the personal life of

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former Rep. William R. Anderson (D-Tenn.) after Anderson had criticized him for his statements about the Berrigan brothers.

FBI spokesman James Murphy, asked if the FBI keeps such files, declined to comment, and a request for an interview with FBI Director Clarence M. Kelley was denied.

Murphy added, however, that derogatory information volunteered on anyone, including a member of Congress, would be recorded.

"If someone says this guy is an alcoholic and a frequenter of houses of prostitution, we would just report this characterization, including if it is a senator or congressman."

Murphy acknowledged that such information might not be recorded if it concerned a person not of intrest to the bureau. But if it involved a government employee or member of Congress, he said, it probably would be recorded.

Murphy declined to be questioned further.

A former high-ranking FBI official in charge of record keeping said that if agents recorded all the noncriminal allegations made against ordinary citizens during unrelated investigations, "They'd be doing nothing else but that."

"If someone says someone is breaking into houses, it would be passed along. But if the wife of some guy is shacking up with someone, that wouldn't be in the report," he said.

Members of Congress have long suspected, and periodically charged, that the FBI was compiling personal information on them. Although the charges were never proved, the suspicions, fed by rumors that Hoover supplied the information to the White House, were widely acknowledged to be a factor in Hoover's long tenure as director of the FBI.

Francis Biddle, a U.S. Attorney General in the 1940s, provided a glimpse of Hoover's knowledge when he described a luncheon conversation with the director:

". . . he began to reciprocate by sharing some of his extraordinary broad knowledge of the intimate details of what my associates in the Cabinet did and said, of their likes, their weaknesses, and their associations . . . I confess that within limits, I enjoyed hearing it. His reading of human nature was shrewd, if perhaps colored with the eye of an observer to whom the less admirable aspects of behavior were being constantly revealed."

Informed in general terms of The Post's findings, several members of Congress last week said the FBI's denial that it purposely gathers the information and does not use it for political blackmail is not relevant. The mere existence of such files, they said, represents a lever against Congress because it has the potential to be used for political blackmail.

"There's no point in its being there if they are not going to use it," said Sen. Gale W. McGee (D-Wyo.), a member of the Appropriations Committee, which has jurisdiction over the FBI's budget.

"Obviously it's to be in reserve for some kind of blackmail," McGee said. "The Gestapo operated that way too. They were just collecting records," he said.

Sen. Alan Cranston (D-Calif.) said he cannot think of any legitimate reason for keeping such information. "It's a threat even if it is just there and not leaked or gathered for blackmail," he said.

Calling the practice demeaning to the professional standards of the FBI, Sen. Mark O. Hatfield (R-Ore.), said, "It smacks more of political blackmail than of security or law enforcement activities, and it should be stopped as an infringement of the civil rights of individuals."

"I think the FBI has one function, and that's to enforce the law," said Sen. Walter F. Mondale (D-Minn.). "Maintaining unevaluated materials on people who are not suspected of federal crimes is a dangerous procedure. If it gets in the political arena, it can chill uninhibited political debate and actvity," he said.

Calling the practice "outrageous," Sen. Henry M. Jackson (D-Wash.) said the information gathering "goes to the heart of the separation of powers."

"I just don't believe it," said Sen. Howard W. Cannon (D-Nev.).

"If the facts contained in The Post article are true," Sen. Kennedy said, "they indicate that the constitutional rights of members of the legis-

lative branch have clearly been infringed by the executive branch.

"The article," he said, "is in direct conflict with testimony of the FBI before the Senate Judiciary Committee and calls into question the legality of FBI practices.

"The American people deserve a full explanation of allegations of data collection on their elected representatives, and I call for a full investigation by the Constitutional Rights Subcommittee of these allegations," he said.

Kennedy is a member of the subcommittee, which is part of the Judiciary Committee. He is also chairman of the Administrative Practices and Procedures Subcommittee, which investigates wiretapping and other invasions of privacy.

Kennedy and other senators recalled denials that such files existed by L. Patrick Gray III, who was named acting FBI director by President Nixon a day after Hoover's death.

In a widely publicized magazine interview, Gray declared shortly after taking office that he had looked and found no "evidence whatsoever of the existence of secret files or political dossiers."

When an Ohio FBI agent was caught making inquiries at a local newspaper about a congressional candidate, Gray said four months later that the FBI had congressional files that are used to provide briefing material to agents who call on congressmen on FBI business.

These files, Gray said, contain only biographical information gathered from newspapers, campaign literature, and public reference books. Because the information gathering might be misinterpreted as a surveillance program, Gray said, he had ordered it stopped.

CARTHA D. DeLOACH
. . . tells of "junk"

During subsequent Senate confirmation hearings on his nomination to be FBI director, Gray offered for the record a letter in which he denied that the FBI has any other program for gathering information on federal elected officials.

An attempt to find out if Gray was aware at the time that the FBI had files on congressmen's personal lives was unsuccessful.

When the subject of congressional files was broached during a telephone interview, Gray said, "I have no comment now or ever. I'll ask your kind indulgence, and I'll just say goodnight." He then hung up as a reporter was talking.

John P. Mohr, an assistant to Hoover and briefly to Gray, said Gray asked him prior to his first public denial if the FBI had secret files on members of Congress.

Mohr said Gray had asked him the wrong question. The files containing information on the personal lives of members of Congress are secret to the public, but not to FBI personnel, he said.

"Old Gray was all spooked off," Mohr said. "He asked me if there were 'secret' files. I told him that was a bunch of crap." If he had asked if the FBI has files on congressmen, "I'd obviously have said yes," Mohr said.

In declining official comment on the files, FBI spokesman Murphy said last week the subject already had been discussed by Gray.

Describing the FBI's data collection methods, DeLoach said personal information gathered on members of Congress was read by Hoover before it was filed. The purpose, he said, was not so Hoover could blackmail congressmen but so he would have it for his "information."

"People would volunteer information during a regular investigation on other matters," DeLoach said. "There was never any investigation by the FBI to find out this junk. We never made any followup or disseminated it in any way. There was no federal violation of law involved, and consequently it was none of our business."

Although most of the information was volunteered by persons interviewed by the FBI, some data came from wiretaps, Nichols said. The taps were not on congressmen's phones but were on phones of persons with information about members of Congress or persons who conversed with them, he said.

This situation is known in law enforcement parlance as an "overhear" because it provides information on persons other than the targets of the taps.

"I think the amount of information over wiretaps was *de minimus*," Nichols said.

Although Nichols and DeLoach said they knew of no purposeful attempt to gather information on members of Congress not suspected of criminal activities, an informed source said Hoover had ordered derogatory material gathered on Rep. Anderson, who was defeated in 1972 after serving four terms.

The order was given after Anderson criticized Hoover for naming Daniel and Philip Berrigan as having plotted to kidnap a high government official, later revealed to be Henry A. Kissinger, the source said.

Daniel Berrigan was not named in a subsequent indictment, and the charges against Philip Berrigan were dismissed when a trial ended in a hung jury.

In complying with Hoover's order, agents in Nashville office of the FBI first provided relatively inocuous information about Anderson, the source said.

But Hoover ordered them to try again, the source said, and this time they reported that the madam of a house of prostitution had said she thought Anderson had visited her place of business several years earlier.

The purported identification was made from a photo the agents showed of Anderson, he added.

Hoover then wrote "whoremonger" in memoranda placed in the FBI's file on Anderson, and the claimed identification was reported to the Nixon White House, the source said.

Before he was told the nature of the information gathered on him, Anderson said recently he had learned through a friend that FBI agents had asked a call girl if she had provided services to him.

The friend, who met the girl at a bar, quoted her as saying she had not met Anderson, the former congressman said.

He said he had not been involved in such activities.

"I was going to make a confrontation with the agents, but then I decided not to," said Anderson, saying there would be no point to such a move.

Such incidents were a source of Hoover's power, Anderson said. "I knew half the Hill was scared to death of Hoover because, as Lyndon Johnson said, he'd rather have him pissing under the tent than outside it."

"The Martin Luther King story was well known," Anderson added. "They knew Hoover would go to every end to put you on the spot."

King was the target of FBI leaks about his personal life in the 1960s, according to newspaper editors who were approached by FBI personnel with the fruits of private life surveillances.

Although most of the personal data on members of Congress was kept in the FBI's general files, a few such files containing particularly sensitive information were kept in Hoover's office, Nichols said.

The purpose was to keep file clerks from browsing through them and telling their friends of the contents, Nichols said. He said they were filed alphabetically in Hoover's personal correspondence records.

Mohr said Hoover's personal correspondence files were shredded on the day of his death by his personal secretary, Helen W. Gandy.

Mohr, who was assigned by then acting Attorney General Richard G. Kleindienst to secure Hoover's office on the day of his death, said Miss Gandy told him she had destroyed many of Hoover's files before his death as part of a program Hoover had ordered.

Mohr did not quote Miss Gandy as giving a reason for shredding the files, and she could not be reached for comment.

Asked about the whereabouts of Hoover's files, FBI spokesman Murphy said, "Mr. Hoover's personal effects and correspondence were collected by bureau personnel and either destroyed or removed to his residence. Any official rec-

ords maintain in Mr. Hoover's office were removed and appropriately filed."

Several days after Hoover's death, Miss Gandy gave particularly sensitive files occupying about 12 filing cabinet drawers to then acting FBI associate director W. Mark Felt, a source said.

It could not be learned with certainty whether any of these files were on members of Congress. Felt declined to comment.

Asked why he allowed Miss Gandy to shred the files, Mohr, who has since retired, said Kleindienst had only assigned him to secure Hoover's office, which had no files. The files, he said, were in other rooms in Hoover's suite.